

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

A.L.L. CONSTRUCTION, LLC,

Plaintiff,

v.

THE METROPOLITAN ST. LOUIS
SEWER DISTRICT, JAMES FAUL, RUBY
BONNER, REV. RONALD BOBO,
MICHAEL YATES, and JAMES I. SINGER,
in their individual capacities as the Board of
Trustees of the Metropolitan St. Louis Sewer
District,

Defendants.

Case No: 4:17-CV-02367-AGF

JURY TRIAL DEMANDED

**MOTION FOR SUMMARY JUDGMENT OF DEFENDANTS JAMES FAUL, RUBY
BONNER, REV. RONALD BOBO, MICHAEL YATES, AND JAMES I. SINGER**

COME NOW Defendants, James Faul, Ruby Bonner, Rev. Ronald Bobo, Michael Yates, and James I. Singer (hereinafter collectively referred to as “the Trustees”), by and through the undersigned counsel, and for their Motion for Summary Judgment, state as follows:

1. The Trustees are entitled to summary judgment on the First Amendment retaliation claim under 42 U.S.C. § 1983 of Plaintiff A.L.L. Construction, LLC (hereinafter A.L.L.).

2. The sole remaining claim against the Trustees is that A.L.L. was removed from the Small Contractor Program of Defendant the Metropolitan St. Louis Sewer District (hereinafter “the District”).

3. None of the Trustees participated in the removal of A.L.L. from the Small Contractor Program.

4. Furthermore, the removal from the Small Contractor Program was the direct result of A.L.L.'s failure to comply with the basic requirements of the program.

5. First, the Trustees are entitled to summary judgment because qualified immunity shields them in that A.L.L. cannot show a right to be free from enforcement of the requirements of the Small Contractor Program that are otherwise supported by good cause.

6. Second, the Trustees are entitled to summary judgment because they did not, and could not have, caused the staff of the District to remove A.L.L. from the Small Contractor Program.

7. On the facts of this case, A.L.L.'s First Amendment retaliation claim fails as a matter of law.

WHEREFORE, Defendants James Faul, Ruby Bonner, Rev. Ronald Bobo, Michael Yates, and James I. Singer pray that this Court grants their Motion for Summary Judgment, and enters its Judgment in favor of Defendants James Faul, Ruby Bonner, Rev. Ronald Bobo, Michael Yates, and James I. Singer and against Plaintiff A.L.L. Construction, L.L.C., and for such other and further relief this Court deems necessary and proper under the circumstances.

**RYNEARSON, SUESS, SCHNURBUSCH &
CHAMPION, LLC.**

BY: /s/ Victor H. Essen, II
Debbie S. Champion, #38637
Victor H. Essen, II #57629
500 North Broadway, Suite 1550
St. Louis, MO 63102
314-421-4430 / FAX: 314-421-4431
dchampion@rssclaw.com
vessen@rssclaw.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing was sent via the Court's electronic filing system on this 11th day of May 2018 to:

C. John Pleban
Lynette M. Petruska
Steven R. Kratky
PLEBAN & PETRUSKA LAW, LLC
2010 S. Big Bend Blvd.
St. Louis, MO 63117
314-645-6666 / FAX: 314-645-7376
cpleban@plebanlaw.com
lpetruska@plebanlaw.com
skratky@plebanlaw.com
Attorneys for Plaintiff

Kevin F. Hormuth
Ronnie L. White, II
Audrie R. Howard
GREENSFELDER, HEMKER & GALE, P.C.
10 South Broadway, Suite 2000
St. Louis, MO 63102
314-241-9090 / FAX: 314-241-3643
kfh@greensfelder.com
rwhite@greensfelder.com
ahoward@greensfelder.com
Attorneys for Defendant Bates Utility Company

/s/ Victor H. Essen, II